

REMARKS

Amendments

By the amendment presented above the cross-reference paragraph has been updated as requested by the Examiner.

Also by the amendment presented above, Claims 13 and 53 have been cancelled. After entry of the above amendments, Claims 1-12, 14-18, 41-52, 54-58, 66, 81, 87-88, and 95-111 will be pending in the above-identified application and are before the Examiner. No addition claims fee is believed necessary.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected the claims of the present invention as being indefinite under 35 U.S.C. §112, second paragraph. The Examiner states that there are many "practically duplicated claims with slight difference" and that therefore the claims should be consolidated. Applicants respectfully traverse this rejection as applied to the pending claims.

The Examiner points to Claims 66 as being a virtual duplicate of Claim 53. Applicants submit that this duplication has been addressed by the presented amendment, canceling Claim 53.

The Examiner also points to Claims 1 and 81, and Claims 41 and 95 as being "practically duplicates" to each other. Applicants submit, and the Examiner seems to admit, that the claims in question are not duplicates and do not claim the same scope, and therefore do not need to be consolidated. For example, Claim 1 has all of the limitations of Claim 81 plus the additional requirement that the adhesion peel force after activation by the user is sufficient to form a continuous seal against a target surface. Applicants submit that in the field of food storage wraps, which are some of the preferred embodiments of the claimed materials, the element of forming a continuous seal against a target can result in significantly different product performance than a material that just forms a seal sufficient to hold the wrap on the container which may or may not be continuous.

Similarly, Claim 95 has many of the same elements as Claim 41, except that Claim 95 requires that substantially all of the first side of the sheet of material comprises the activatable characteristics of the present invention. Again, the scope of Claim 95 covers a distinct set of preferred embodiments of the present invention.

Applicants respectfully submit that for these reasons the rejection of the claims under 35 U.S.C. §112, second paragraph should be withdrawn.

Rejection for Double Patenting

The Examiner has rejected the claims of the above-identified application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-5, 716, 18 and 24 of U.S. Patent No. 6,194,062. Applicants respectfully traverse this rejection. Patent 6,194,062, the parent of the present continuation application, claims various patentably distinct inventions. Nevertheless, in order to expedite prosecution of the present application, Applicants concurrently submit with this response, a Terminal Disclaimer over 6,194,062 which is commonly assigned.

Therefore, Applicants respectfully submit that the obviousness-type double patenting rejection have been overcome.

For the reasons presented above, Applicants submit that the pending Claims 1-12, 14-18, 41-52, 54-58, 66, 81, 87-88, and 95-111 of the above-identified application are definite under 35 U.S.C. §112, second paragraph. Further, Applicants submit that Examiner's obviousness-type double patenting rejection has been overcome. Therefore, Applicants submit that the pending claims should be allowed. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

FOR: PETER W. HAMILTON, ET AL.

By: 

Stephen T. Murphy
Attorney for Applicant(s)
Registration No. 42,917
(513) 634-4268

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Customer # 27752

Amended Specification
Version with Markings to Show Changes Made

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation application of U.S. Patent Application 08/745,340, filed November 8, 1996, issued as U.S. Patent No. 6,194,062, which is a continuation-in-part application of ~~commonly assigned, co-pending~~ U.S. Patent Application Serial No. 08/584,638, filed January 10, 1996 in the names of Peter W. Hamilton and Kenneth S. McGuire, issued as U.S. Patent 5,662,758.